



Office of Civil Rights

*Disadvantaged Business
Participation in Public Transportation Contracts*

Shelby M. Scales, Director



NCDOT Policy

It is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises, including minority and women businesses, shall have the opportunity to participate in the performance of contracts in order to create a level playing field on which DBE's can compete fairly.

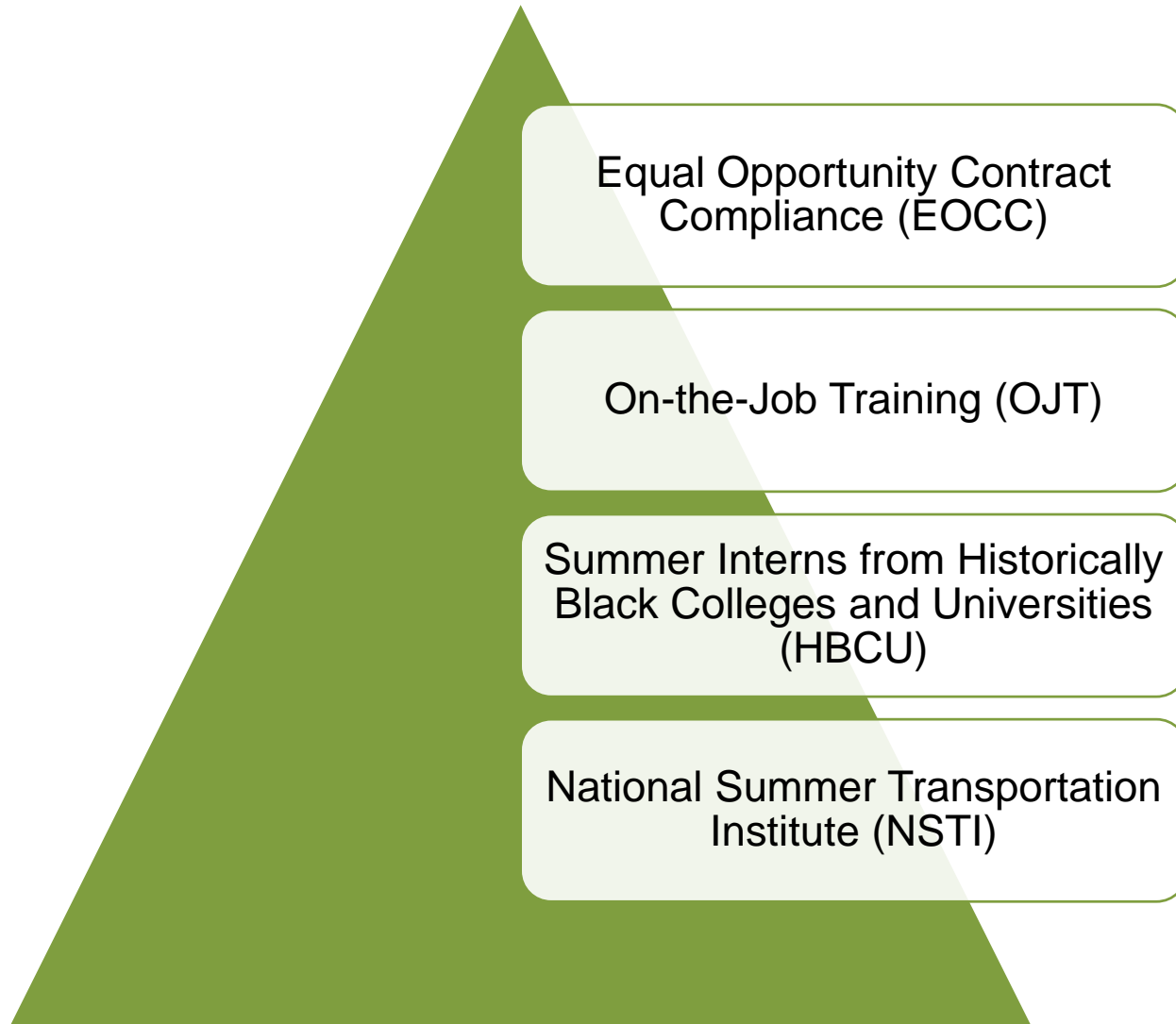


Disadvantaged Business Enterprise (DBE) Program


NCDOT endeavors to **remedy past and current discrimination** of socially and economically disadvantaged individuals with the intended outcome of leveling the business playing field by **fostering equal opportunity on DOT assisted contracts.**



Equal Employment



Equal Access

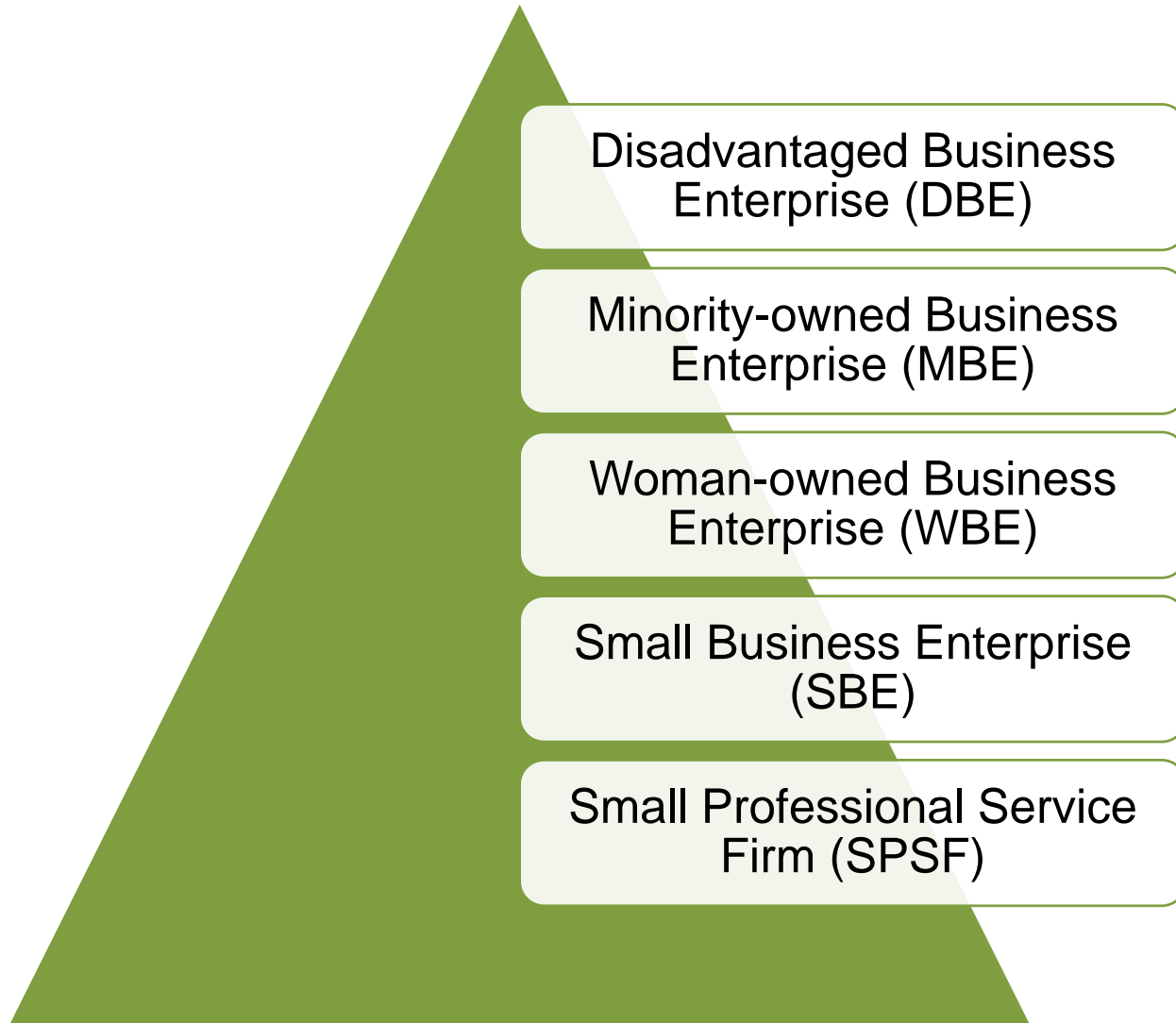


Americans with Disabilities Act
(ADA) – equal access to all
transportation facilities

Title VI – No discrimination
from government
agencies/programs receiving
federal funds

Title VII – No discrimination
from employers

Business Opportunity



PTA's DBE Goal

- Under USDOT regulations, Public Transit Agency's (PTAs) must meet the DBE participation goal using narrowly tailored means that do not unduly burden non-DBEs or the agency
- To fulfill this obligation, a PTA is required to achieve the DBE participation goal to the greatest extent possible through the use of race-neutral means
- PTA proposed DBE goal for FY2017 – 2019 is **1.90% race-neutral**
 - ✓ **A race-neutral measure or program is one that is, or can be, used to assist all small businesses**



PTA's DBE Goal

PTA's race-neutral DBE goal reflects the continued efforts to reach out and assist all business, including minority and women-owned businesses, in the State of North Carolina.

The race-neutral efforts to increase DBE participation include:

Office of Civil Rights Functions:

- An effective outreach program targets DBE firms and small businesses;
- Available support services and technical assistance;
- Providing training to bidders/proposers on program compliance; and
- Coordinated technical and financial assistance programs;

PTA Functions:

- ***Send solicitation notices to certified DBE and other small businesses so they are aware of prime and subcontracting opportunities;***
- Increase PTA's oversight of sub-recipients for the DBE program;
- Monitoring mechanisms to collect program evaluation data;
- Accounting for DBE participation obtained through subcontracting on a prime contract; and
- Awards of prime contracts to DBEs



Program Goals Review

- ✓ If \$1 of Federal funding is used, you must set a DBE goal
- ✓ If state funds only, you must have an MBE/WBE goal (GS 136 - 28.4)
- ✓ If purchasing goods and commodities, you must shoot for a 10% goal (GS 143 – 48 & Executive Order 150)
- ✓ ** Change the mindset that it is Business as usual!!!!!!!

New proposed goal for FTA funded projects: 1.9%



Regulatory Requirements

Written Certification of Contract Review

- Contract Review Process
 - ✓ DBE Subcontract Review

Written Certification of Monitoring

- Site Visit reports / forms
- Follow-up reports (If required)

Running Tally of DBE Participation

- Ensure Prime is Meeting DBE Commitment
- Track DBE Awards and Commitments
- Track Payments made to DBEs

Project Oversight is a team effort!

Create DBE Oversight as essential job function of multiple parties



Regulatory Requirements

49 C.F.R. Part 26:

- (a) Implement Appropriate Mechanisms to Ensure Compliance by All Program Participants
- (b) Ensure Work Committed to DBEs is Performed by DBEs
 - Letter of Intent
 - Project Audits
- (c) Running Tally of DBE Participation



*Our commitment:
Increase # of Viable DBEs*

The Office of Civil Rights will

- Distribute over \$300,000 in technical and financial support to DBEs over the next 12 months
- Conduct certification workshops across the state and will invite transit organizations to partner with us wherever possible
- Be available to assist you with outreach, recruitment, education and training

DBE Certification Eligibility

- Socially disadvantaged owner(s)
 - Ethnicity
 - Gender
- Economically disadvantaged owner(s)
 - PNW threshold \$1.32 million
- Economically disadvantaged business
 - SBA size standards not to exceed \$23.98 million



Where are DBEs Located?



DBE Firms by Division

Next Steps

Contact the Office of Civil Rights for program support, training and education including:

- ✓ Trainers
- ✓ Speakers and presenters
- ✓ Subject matter experts
- ✓ Consultant to the DBE, SBE Community
- ✓ Materials



Questions?



Thank You



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The North Carolina Department of Transportation Office of Civil Rights

